

FRANZBLAU DRATCH, P.C.  
354 EISENHAUER PKWY  
P.O. BOX 472  
LIVINGSTON, NJ 07039  
(973) 533-7212  
Attorneys for Non-Party Movants  
VAR CONSULTING, INC. AND  
AMERICAN WHOLESALE DISTRIBUTION, INC.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

-----X	:	
N.V.E., INC.,	:	Civil Action No.:
	:	2:06-CV-05455(HAA)(ES)
Plaintiff,	:	
- v. -	:	<b>MOTION DATE:</b>
	:	<b><i>September 7, 2010</i></b>
JESUS J. PALMERONI, a/k/a Joseph	:	
Palmeroni, RONALD SUMICEK, SUNBELT	:	
MARKETING, ABC CORPORATIONS 1-10	:	
and JOHN DOES 1-10,	:	<b><u>ORAL ARGUMENT REQUESTED</u></b>
Defendants.	:	
-----X	:	
JESUS J. PALMERONI,	:	
	:	
Third-party plaintiff,	:	
- v. -	:	<b>NOTICE OF</b>
	:	<b>MOTION TO QUASH AND</b>
ROBERT OCCHIFINTO and WALTER	:	<b>FOR PROTECTIVE ORDER</b>
ORCUTT,	:	
	:	
Third-party defendants.	:	
-----X	:	

**PLEASE TAKE NOTICE** that on September 7, 2010, at 9: a.m. in the forenoon of that day or as soon thereafter as counsel may be heard, non-party Movants, VAR Consulting, Inc. and American Wholesale Distribution, Inc., by and through their attorneys, Franzblau Dratch, P.C., will move this Court at the Martin Luther King, Jr. Federal Building and Court House, 50 Walnut Street, Newark, New Jersey 07102, for an Order:

(1) quashing the subpoenas served on BANK OF AMERICA seeking records of any and all accounts maintained there by VAR CONSULTING, INC. AND AMERICAN WHOLESALE DISTRIBUTION, INC. pursuant to Fed. R. Civ. Proc. 45(c), or alternatively,

(2) directing that the subject records be disclosed pursuant to a confidentiality order, for attorney's eyes only, and that they be used only in connection with this litigation, pursuant to Fed. R. Civ. Proc. 26(c), and

(3) granting such other and further relief as this Court may deem appropriate.

**PLEASE TAKE FURTHER NOTICE** that movants rely upon the accompanying Memorandum of Law, Declaration of Vincent Rosarbo, together with the exhibits annexed thereto. A proposed form of Order is submitted herewith.

FRANZBLAU DRATCH, P.C.  
Attorneys for Non-Party Movants  
VAR CONSULTING, INC. AND  
AMERICAN WHOLESALE DISTRIBUTION, INC.

Dated: August 10, 2010

By: /s/ Stephen Dratch  
Stephen Dratch

**CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2010, I served the foregoing Notice of Motion, together with supporting memorandum of law and supporting declaration and a proposed form of Order, upon all parties of record appearing in this action by electronic means, by filing such documents with this Court via its Electronic Filing System.

Dated: August 10, 2010

By: /s/ Stephen Dratch  
Stephen Dratch